

**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING**

Department of Public Health

Petition No. 2005-0119-011-001

vs.

Roxanne Bouchard, LPN, Lic. No. 022683
Respondent

MEMORANDUM OF DECISION

Procedural Background

The Board of Examiners for Nursing (hereinafter “the Board”) was presented by the Department of Public Health (hereinafter “the Department”) with a Statement of Charges dated April 29, 2005. Dept. Exh. 1. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Roxanne Bouchard (hereinafter “respondent”) which would subject respondent’s licensed practical nurse license to disciplinary action pursuant to *Conn. Gen. Stat.* §§ 19a-17 and 20-99(b).

The Board issued a Notice of Hearing dated May 10, 2005, scheduling a hearing for November 2, 2005. Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against her. The Notice of Hearing and Statement of Charges were delivered by certified mail to respondent. Dept. Exh. 1.

Pursuant to respondent’s request, the hearing scheduled for November 2, 2005 was continued to February 1, 2006. Dept. Exh. 2.

The hearing took place on February 1, 2006, at the Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

Respondent was not present during the hearing and was not represented by counsel. Transcript, February 1, 2006, p. 2.

Respondent did not submit an Answer to the Statement of Charges. During the hearing on February 1, 2006, the Department orally moved to deem the allegations admitted. The Board denied the motion. Transcript, February 1, 2006, p. 14.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board’s specialized professional knowledge in evaluating the evidence.

Findings of Fact

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Respondent was issued licensed practical nurse license number 022683 on June 1, 1988. Respondent was the holder of said license at all times referenced in the Statement of Charges. Dept. Exh.1-tab 2.
2. Pursuant to a Memorandum of Decision dated July 20, 2005, respondent was reprimanded for administering flu vaccine to [REDACTED] without having a physician order to do so. Dept. Exh.1-tab 2; tab 3, pp. 29-32.
3. From approximately May 27, 2003 until January 27, 2005 respondent was employed as a licensed practical nurse at Wintonbury Health Care Center, Bloomfield, Connecticut. Dept. Exh. 1-tab 8.
4. On or about July 14, 2003, Patient V.D. was admitted to the behavioral health unit at Wintonbury Health Care Center. Dept. Exh. 1-tab 8.
5. On or about November 13, 2003, while employed as a licensed practical nurse at Wintonbury Health Care Center, respondent borrowed \$3700.00 from patient V.D. Respondent signed an I.O.U. dated November 13, 2003 agreeing to repay patient V.D. at a rate of \$50.00 per week. Dept. Exh. 1-tab 4, p. 5.
6. On or about January 5, 2004, respondent was counseled by her employer for boundary violations. An employee counseling record signed by respondent indicates respondent allowed patient V.D. access to her car keys and car, and allowed the patient to start the car for her. Dept. Exh. 1-tab 7.
7. On or about February 28, 2004, respondent borrowed \$5500.00 from patient V.D. Respondent signed an I.O.U. agreeing to repay to patient V.D. at a rate of \$200.00 per month. The money borrowed by respondent was for child custody issues and to retain an attorney. Dept. Exh. 1-tab 4, pp. 7-8; Transcript, p. 21.
8. In a sworn statement dated February 22, 2005 patient V.D. stated he allowed respondent to borrow large sums of money from him and alleged that he had sexual relations with respondent. Dept. Exh. 1- tab 5.
9. In a sworn statement dated February 28, 2005, respondent stated she provided patient V.D. with her cell phone number and allowed him access to her car keys and car. Respondent denied borrowing large sums of money from patient V.D. and denied a sexual relationship with patient V.D. Dept. Exh. 1-tab 6.
10. On at least two occasions, patient V.D. visited respondent at her home and on at least three occasions respondent accompanied patient V.D. to the Mohegan Sun Casino. Dept. Exh. 1-tab 4, p. 14.

11. On or about January 11, 2005, at approximately 10:00 pm., respondent removed two tablets of Klonopin 0.5mg from the medication stock of patient H.S. Patient H.S. did not have an order to receive two doses of Klonopin 0.5 mg at 10:00 p.m., and the administration of Klonopin to patient H.S. was not documented in the medication administration record. In a sworn statement dated February 28, 2005, respondent stated that she left the facility with the Klonopin in her pocket. Dept. Exh. 1-tab 4, p. 3-4; tab 6.

Conclusions of Law and Discussion

In consideration of the above Findings of Fact, the following conclusions are rendered:

Roxanne Bouchard held a valid licensed practical nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges provided sufficient legal notice as mandated by *Conn. Gen. Stat.* §§ 4-177(a) and (b), and 4-182(c). The hearing was held in accordance with *Conn. Gen. Stat.* Chapters 54 and 368a as well as §§ 19a-9-1 through 19a-9-29 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges, and the hearing process provided respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of his license as required by *Conn. Gen. Stat.* § 4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

COUNT ONE PARAGRAPH 4 of the Statement of Charges alleges that on or after July 14, 2003, while working as a licensed practical nurse at Wintonbury Health Care Center, Bloomfield, Connecticut, respondent violated the boundaries of a nurse/patient relationship with patient V.D. in that respondent:

- a. gave him her personal phone number;
- b. allowed him to have the keys to and to enter her car;
- c. shared personal information with him about her life;
- d. borrowed approximately \$9000.00 from him
- e. met with him in her home and/or the home of her parents; and/or,
- f. engaged in sex with him on one or more occasions.

Respondent did not file an answer to these charges.

Based on the evidence and testimony presented, the Board finds that paragraphs 4a, 4b, 4c, 4d, and 4e of Count One were proven. The Board finds that the Department failed to present sufficient evidence to prove the allegation in paragraph 4f. The Board therefore concludes that respondent, while employed as licensed practical nurse at Wintonbury Health Care Center, engaged in conduct with patient V.D. that violated the boundaries of a nurse/patient relationship.

COUNT TWO PARAGRAPH 9 of the Statement of Charges alleges that at approximately 10:00 p.m. on January 11, 2005, respondent removed two tablets of Klonopin 0.5mg from the medication supply of resident H.S; and that H.S. did not have an order for Klonopin to be administered at that time or in that amount. It is further alleged that respondent did not document H.S's medication administration record that she has removed the two Klonopin tablets.

COUNT TWO PARAGRAPH 10 of the Statement of Charges alleges that at or after 10:00 p.m. on January 11, 2005, respondent diverted Klonopin in that she left the facility with two tablets of Klonopin in her pocket.

Respondent did not file an answer to these charges.

Based on the evidence presented, the Board finds that paragraphs 9 and 10 of Count Two were proven.

The General Statutes of Connecticut § 20-99 provides in relevant part:

(a) The Board of Examiners for Nursing shall have jurisdiction to hear all charges of conduct which fails to conform to the accepted standards of the nursing profession brought against persons licensed to practice nursing. After holding a hearing . . . said board, if it finds such person to be guilty, may revoke or suspend his or her license or take any of the actions set forth in section 19a-17. . . .

(b) Conduct which fails to conform to the accepted standards of the nursing profession includes, but is not limited to, the following. . . (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions. . . .

The Board concludes that respondent's conduct as alleged in Count One Paragraphs 4a, 4b, 4c, 4d, and 4e and Count Two Paragraphs 9 and 10 of the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes grounds for disciplinary action pursuant to *Conn. Gen. Stat.* §§20-99(b)(2) and 19a-17.

Count One Paragraph 4f was not proven and is therefore dismissed.

Order

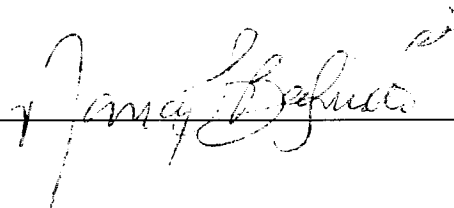
Pursuant to its authority under *Conn. Gen. Stat.* §§ 19a-17 and 20-99, the Board of Examiners for Nursing hereby orders the following:

1. That for Count One Paragraphs and 4a, 4b, 4c, 4d and 4e, and Count Two Paragraphs 9 and 10 of the Statement of Charges, respondent's licensed practical nurse license number 022683, is revoked effective the date this Memorandum of Decision is signed by the Board.
2. The Board finds the violations set forth in Count One and Count Two are severable and each separate Count warrants the revocation of respondent's license.

The Board of Examiners for Nursing hereby informs respondent, Roxanne Bouchard, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Newington, Connecticut this 3rd day of May 2006.

BOARD OF EXAMINERS FOR NURSING

By 

r. bouchard lpn 2006